

REMARKS

Initially, in the Office Action dated January 29, 2004, the Examiner objects to claim 19 as being of improper dependent form for failing to further limit the subject matter of a previous claim. Claims 1-4, 6, 8, 11, 12 and 16-24 have been rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,638,438 (Keen) (although GB Patent 2,332,293 (Jones et al.) is listed). Claims 4, 6, 23 and 24 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Keen in view of Jones et al.

By this Preliminary Amendment, Applicant has amended claims 1, 11 and 19 to further clarify the invention. Applicant has submitted new claims 25-27 for consideration by the Examiner and submit that these claims do not contain any prohibited new matter. Claims 1-4, 6, 8, 11, 12 and 16-27 remain pending in the present application.

Claim Objections

Claim 19 has been objected to under 37 C.F.R. §1.75(c) as being of improper dependent form. Applicant has amended this claim to further clarify the invention and respectfully request that this objection be withdrawn.

35 U.S.C. §102 Rejections

Claims 1-4, 6, 8, 11, 12 and 16-24 have been rejected under 35 U.S.C. §102(b) as being anticipated by Jones et al. Applicant assumes that this is a typo by the Examiner and that the Examiner really means to use Keen since all the Examiner's arguments in the rejection are based on Keen. Applicant respectfully traverses these rejections.

Keen discloses automatic expansion of hierarchical repertory that is maintained by a touch screen based product to accommodate a user request to add an entry to a touch screen display page that has reached its capacity of entries. Such automatic expansion operates by selecting a button from the display page, wherein the selected button is linked to a first node of the repertory. A second node is added to the repertory, and the repertory is modified to establish the first node as a child node of the second node. Then, a new menu button is associated with the second node, and the selected button is deleted from the display page. The new menu button is positioned in the display page at the position previously occupied by the selected button.

Regarding claims 1, 11 and new claims 25-27, Applicant submits that Keen does not disclose or suggest the limitations in the combination of each of these claims of, inter alia, selection means responsive to operation of the actuators for selecting from the menu a first item associated with the operated actuator, or where the control means is configured to control the user interface to provide, corresponding to the second menu level, a second menu selection comprising a second number of menu items in response to selection of the first item so that at least one menu item of the second menu selection represents a subset of the first item, the second number being less than the first number and the actuator operated is never associated with a menu item of the second selection, or where the control means is configured to control the user interface to provide a second menu level, dependent upon the identity of the selected menu item, that has less menu items than the number of actuators and wherein one or more of the actuators, but never

the operated actuator, are each associated with a different menu item of the second level. The Examiner asserts that Keen teaches a control means being configured to control the user interface to provide, . . . , as recited in the claims of the present application, in Keen at col. 6, lines 56-66, Fig. 1, reference character 104A, Fig. 2, and Figs. 3, 6A and 6B. However, these portions of Keen merely disclose the touch screen interface 418 detecting the presence of the family button 104 and sending digital codes that are identified by processor 406 that is associated with a family node in the repertory, and the hierarchical repertory used in Keen. This is not a second menu selection comprising a second number of menu items in response to selection of the first item, the second number being less than the first number and the actuator operated never being associated with a menu item of the second selection, as recited in the claims of the present application. Keen discloses selection of a menu button, e.g., family 104, that results in the nine items shown in Fig. 3 (George thru Calvin). As shown in Fig. 1, the display page 102 includes nine buttons maximum from which upon selection of family 104, the family names shown in Fig. 3 would then occupy these nine buttons. Therefore, this is not a second menu level comprising a second number of menu items where the second menu selection represents a subset of the first item and the second number being less than the first number. Moreover, this is not the actuator operated never being associated with a menu item of the second selection, as recited in the claims of the present application. To display all nine family members in Keen, all nine menu buttons would be used including the actuator operated. Moreover, the number of second menu items in Keen is actually more than the first level of menu items.

Regarding claims 2-4, 6, 8, 12 and 16-24, Applicant submits that these claims are dependent on one of independent claims 1 and 11 and, therefore, are patentable at least for the same reasons noted regarding these independent claims. For example, Keen does not disclose or suggest a further menu selection including a plurality of items not exceeding the number of actuators or where the control means has been further configured to control the user interface to associate one of the actuators with a back function and on operation of the key associated with the back function to return from the second menu level to the first menu level.

Accordingly, Applicant submits that Keen does not disclose or suggest the limitations in the combination of each of claims 1-4, 6, 8, 11, 12, 16-24 and new claims 25-27. Applicant respectfully requests that these rejections be withdrawn and that these claims be allowed.

35 U.S.C. §103 Rejections

Claims 4, 6, 23 and 24 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Keen in view of Jones et al. The deficiencies of Jones et al. were discussed in Applicant's previously-filed response, and Applicant reasserts all arguments submitted in this response.

Applicant submits that claims 4, 6, 23 and 24 are dependent on one of independent claims 1 and 11 and, therefore, are patentable at least for the same reasons noted regarding these independent claims. Applicant submits that Jones et al. does not overcome the substantial defects noted previously regarding Keen. For example, none of the cited references disclose or suggest the input comprising a multi-positional device, or the multi-positional device being a joystick.

Accordingly, Applicant submits that none of the cited references, taken alone or in any proper combination, disclose, suggest or render obvious the limitations in the combination of each of claims 4, 6, 23 and 24 of the present application. Applicant respectfully requests that these rejections be withdrawn and that these claims be allowed.

In view of the foregoing amendments and remarks, Applicant submits that claims 1-4, 6, 8, 11, 12 and 16-27 are now in condition for allowance. Accordingly, early allowance of such claims is respectfully requested.

To the extent necessary, Applicant petitions for an extension of time under 37 CFR 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, or credit any overpayment of fees, to the deposit account of Antonelli, Terry, Stout & Kraus, LLP, Deposit Account No. 01-2135 (referencing attorney docket no. 367.40293X00).

Respectfully submitted,

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